

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff(s),

CASE NO. 89-80897

v.

HONORABLE AVERN COHN

D-1 , CHARLES BRUCE WHITE ,

Defendant(s).

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ORDER DENYING MOTION TO DISMISS JURISDICTIONAL CHALLENGE

Defendant has filed a motion styled "Motion to Dismiss Jurisdictional Challenge 28 U.S.C. 1651 Writ of Corm Nobis United States v. Cotton, 535 U.S. 625 (2002)" which asserts that the Court did not have jurisdiction to sentence defendant to a term of 24 months imprisonment due to a supervised release violation as the Probation Department did not have jurisdiction to "toll" the supervised release term.

On October 23, 1998 defendant was released from the custody of the Bureau of Prisons to a Michigan Department of Corrections detainer. A notification detainer was sent by MDOC informing the Probation Department that in February 2009 defendant would be released from state custody after successful completion of the Michigan Prisoner Reentry Program.

Pursuant to 18 U.S.C. 3624(e), a term of supervised release does not run during any period in which the person is imprisoned in connection with a conviction for a federal, state or local crime unless the imprisonment is for a period of less than 30 consecutive days.

Therefore,

IT IS ORDERED that the motion is DENIED.

SO ORDERED.

Dated: September 6, 2012

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 6, 2012, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
(313) 234-5160